

## **3 FAM 4520**

# **ADVERSE ACTION PROCEDURES FOR SUSPENSIONS OF 14 DAYS OR LESS**

*(CT:PER-642; 06-22-2011)*  
*(Office of Origin: HR/ER/CSD)*

## **3 FAM 4521 ACTIONS NOT COVERED**

*(CT:PER-642; 06-22-2011)*  
*(Reviewed and Revalidated)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

3 FAM 4520 does not apply to actions cited in 5 CFR 752.201(c).

## **3 FAM 4522 EMPLOYEES COVERED**

*(CT:PER-642; 06-22-2011)*  
*(Reviewed and Revalidated)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

3 FAM 4520 applies to employees cited in 5 CFR 752.201(b).

## **3 FAM 4523 PROCEDURES**

*(CT:PER-642; 06-22-2011)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

- a. An employee against whom an adverse action of suspension of 14 days or less is proposed under 3 FAM 4515 is entitled to the procedures set forth in 5 U.S.C. 7503(b) and 5 CFR 752.203.
- b. An employee *must* be given an advance written notice stating the specific reasons for proposed action.
- c. The Department will allow an employee a reasonable time, normally 10 days, but not less than 24 hours, to answer orally and/or in writing a

notice of proposed suspension of 14 calendar days or less. However, the Department may make changes in the time limit if it deems it necessary to do so.

- d. An employee's attorney or other representative must be designated in writing to the deciding official.
- e. The deciding official *must* give the employee a reasonable opportunity to make any presentations which are relevant to the final decision on the case. However, this does not include the right to discovery or a formal hearing with examination of witness.
- f. The deciding official *must* consider only the reasons specified in the notice of the proposed action and *must* consider any answer of the employee and/or his or her representative.
- g. The deciding official *must* notify the employee, in writing, at the earliest practicable date of:
  - (1) Which reasons in the proposed notice have been found sustained and which have not been sustained; and
  - (2) The right to grieve a suspension of 14 calendar days or less under the Department's administrative grievance procedures (3 FAM 4700) or any negotiated grievance-arbitration procedure applicable to the employee.

The decision to suspend *must* be delivered to the employee at or before the time the action will be effective.

## **3 FAM 4524 THROUGH 4529 UNASSIGNED**